

CONDOMINIUM CHECKLIST

Name of Condo: _____

Location: _____ County: _____

Date Received: _____ Registry: _____

Attorney: _____

Phone: _____

Type:	<input type="checkbox"/> Res	<input type="checkbox"/> Comm	Cert. of Title:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
No. Bldgs:	_____	Units: _____	Plans:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Phased:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Subdivision:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Timeshare:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Trust:	<input type="checkbox"/> Assoc	<input type="checkbox"/> Corp
Approved:	_____				

MASTER DEED: SECTION 8 REQUIREMENTS

- (a) Submission statement _____
- (b) Description of land _____
- (c) Description of each building
 - number of stories _____
 - number of units _____
 - principal materials _____
- (d) Unit designation
 - location of each _____
 - approximate area _____
 - number of rooms _____
 - immediate common area _____
- (e) Description of common areas
 - proportionate interests _____
- (f) Floor plans _____
- (g) Purpose of building(s)
 - purpose of units _____
 - restrictions on use _____
- (h) Method of amending master deed _____
- (i) Name of corp, trust, association
 - statement that by-laws enacted _____
 - names of trustees, board _____
- (j) Signed by Donor _____

MISCELLANEOUS REQUIREMENTS

- (a) Site plan _____
- (b) Floor plans _____
- (c) Condominium Trust/Association
 - Statutory Powers _____
 - By Laws _____
 - Takeover Event _____
 - Signed by Trustees _____

CONDOMINIUM APPROVAL REQUIREMENTS

I. THE FOLLOWING MUST BE SUBMITTED TO THE COURT FOR REVIEW

A. Master Deed

- for purposes of initial review, should be unexecuted; but if already executed a copy thereof
- at the time master deed is ready for approval, judge will only sign original executed document

B. Condominium Trust or By-Laws

- if the organization of the unit owners is a trust, the trust document should contain the by-laws of the organization; if the organization is an unincorporated association or a corporation a set of by-laws is required; these also should be unexecuted for purposes of review
- judge will sign original executed document

C. Certificate of Title

- an attested copy of the owner / declarant's certificate of title is required; if the declarant of the condominium has only recently acquired the property and no new certificate has yet been written, an attested copy of the cancelled certificate and an attested copy of the deed into the owner/declarant is required

D. Trustee's Certificate

- if the declarant is a nominee trust, the trustee(s) must execute a certificate stating that they have been directed by the beneficiaries of the trust to submit the property to the provisions of M.G.L. Chapter 183A; the original is returned with the condominium documents

E. Site Plan

- by surveyor
- the site plan should contain and show the following:

1) Plan Title

- a. Condominium name
- b. Phase designation
- c. Locality
- d. surveyor's name
- e. full business address
- f. telephone number
- g. date
- h. Land Court Plan Number

2) Buildings

- a. completely dimensioned on exterior to the nearest 0.1'
- b. connected to lot or phase lines to the nearest 0.1'
- c. all units designated
- d. number of stories designated

3) Exclusive Use Easements

- a. fully dimensioned to the nearest 0.1'

4) North Arrow

5) Scale

6) “As-Built” Certification

- “I certify that this plan fully and accurately depicts the location and dimensions of the buildings as built and fully lists the units contained therein.”

- a. signed and sealed by a professional land surveyor
- b. dated

F. Floor Plans

- a set of floor plans must be filed with condominium documents
- units may be dimensioned to the nearest 0.1' or in feet and inches

1. “As-Built Certification”

- “I certify that this plan fully and accurately depicts the layout, location, unit number(s) and dimensions of the units numbered ____ through ____ inclusive, in building (name) as built.”

The certification must appear on each sheet of the floor plans and must be dated, signed and sealed by the engineer, architect or surveyor who prepared them.

II. MASTER DEED REQUIREMENTS ... (M.G.L. CHAPTER 183A, § 8)

The Master Deed should contain the following:

A. Submission Statement

B. Description of Land

C. Description of Each Building

- 1. number of stories
- 2. number of units
- 3. principal materials

D. Unit Designation

- 1. location of each

2. approximate area
3. number of rooms
4. immediate common area

E. Description of Common Areas

1. proportionate interests

F. Floor Plans

G. Purpose of Building(s)

1. purpose of units
2. restrictions on use

H. Method of Amending Master Deed

I. Name of Corporation, Trust or Association

1. statement that by-laws were enacted
2. names and addresses of trustees on board

III. TRUST

A. Statutory Powers of Trust Pursuant to M.G.L. Chapter 183A § 10 (b)

B. By-Laws - Statutory Requirements Pursuant to M.G.L. Chapter 183A § 11

C. The “Takeover Event”

- The Court requires that all trust documents contain a clause which provides for the “takeover event”, that is, the point at which the trustee appointed by the declarant must resign in favor of those elected by owners other than the declarant.

IV. RULES AND REGULATIONS

- Master Deed usually contains a provision that in addition to the Master Deed and by-laws, the unit owners will be subject to administrative rules and regulations, adopted by the trustees / managers. The rules and regulations are attached to the by-laws and incorporated therein by reference.

The Court has taken the position that rules and regulation may govern only use of the common areas, not use or conduct in the units themselves.
(Johnson v. Keith, 368 Mass. 316 (1975))